

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ARVIN DALE ROCHELL,

PLAINTIFF

V.

NO. 4:05CV268-P-A

CORRECTIONAL MEDICAL SERVICES, ET AL,

DEFENDANTS

FINAL JUDGMENT

The *pro se* plaintiff, an inmate in custody of the Mississippi State Penitentiary at Parchman, alleges in this § 1983 complaint that the defendants provided him inadequate medical care concerning the extraction of a tooth and the followup care relating to pain which he experienced as a result of the extraction. Plaintiff contends that this constituted deliberate indifference to his serious medical needs. Magistrate Judge S. Allan Alexander conducted a hearing in this matter on March 9, 2006, pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985). Judge Alexander filed a Report and Recommendation on April 10, 2006, recommending that the claim be dismissed for failure to state a claim upon which relief could be granted. Plaintiff on April 21, 2006, filed an Objection to the Report and Recommendation.

The court finds that plaintiff's argument is not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts as its opinion.

THEREFORE, it is hereby ORDERED that

1) the plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

2) the Report and Recommendation is APPROVED and ADOPTED as the opinion of this court;

3) the cause is DISMISSED with prejudice for failure to state a complaint upon which relief could be granted; and

4) this matter is CLOSED.

SO ORDERED, this the 15th day of May, 2006.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE